

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SEAN ESSINGTON, Administrator
of the Estate of DAVID
ESSINGTON, deceased,

Plaintiff,

v.

MONROE COUNTY TRANSIT
AUTHORITY, et al.,

Defendants.

CIVIL ACTION NO. 3:19-cv-01878

(SAPORITO, M.J.)

FILED
WILKES BARRE
SEP 15 2020
PER MS
DEPUTY CLERK

AMENDED ORDER

AND NOW, this 15th day of September, 2020, in accordance
with the accompanying Memorandum, **IT IS HEREBY ORDERED**
THAT:

1. Defendant Monroe County Transit Authority's Motion to
Dismiss Pursuant to F.R.C.P. 12(b)(6) (Doc. 16) is **GRANTED in part**
and DENIED in part as moot;

2. The Rule 12(b)(6) Motion to Dismiss of the Defendant, A
Pocono Country Place Property Owners Association, Inc. (Doc. 15) is
DENIED as moot;

3. The plaintiff's § 1983 claim, set forth in Count I of the

complaint (Doc. 1), is **DISMISSED** for failure to state a claim upon which relief can be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;

4. The plaintiff's state-law claims, set forth in Counts II through VII of the complaint (Doc. 1), are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367(c)(3);

5. The plaintiff may file an amended complaint **within twenty-one (21) days** after the date of this Order; and

6. If an amended complaint is not timely filed, dismissal of the § 1983 claim (Count I) shall be **with prejudice** and the Clerk shall mark this case as **CLOSED**.


JOSEPH F. SAPORITO, JR.
United States Magistrate Judge